

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

In Re:

CPKAP, LLC d/b/a Kapnos Taverna College Park,
 BallCantina, LLC d/b/a Pepita,
 BallNoodle, LLC d/b/a Yona,
 14WBella, LLC d/b/a Kapnos & G,
 Masskap, LLC d/b/a Arroz,
 Mosakap, LLC d/b/a Requin VA/Mosaic,
 Tylsa, LLC d/b/a Isabella Eatery,
 BallKap, LLC d/b/a Kapnos Taverna,
 Mike Isabella, Inc.,

Chapter 11
 (Joint Administration Pending)

Case No.: 18-21808 (LSS)
 Case No.: 18-21823 (LSS)
 Case No.: 18-21824 (LSS)
 Case No.: 18-21825 (LSS)
 Case No.: 18-21827 (LSS)
 Case No.: 18-21828 (LSS)
 Case No.: 18-21830 (LSS)
 Case No.: 18-21832 (LSS)
 Case No.: 18-21835 (LSS)

Debtors.¹

**DEBTORS' EMERGENCY MOTION FOR AN ORDER DIRECTING
JOINT ADMINISTRATION OF THEIR RELATED CHAPTER 11 CASES**

CPKAP, LLC d/b/a Kapnos Taverna College Park, BallCantina, LLC d/b/a Pepita, BallNoodle, LLC d/b/a Yona, 14WBella, LLC d/b/a Kapnos & G, Masskap, LLC d/b/a Arroz, Mosakap, LLC d/b/a Requin VA/Mosaic, Tylsa, LLC d/b/a Isabella Eatery, BallKap, LLC d/b/a Kapnos Taverna, and Mike Isabella, Inc. (collectively, the "Debtors"), by and through their proposed undersigned counsel, hereby submit this motion (the "Motion"), for entry of an order, in substantially the form attached hereto, directing joint administration of their related chapter 11 cases for procedural purposes only. In support of the Motion, the Debtors rely on the Affidavit of Michael Isabella in Support of the Debtors' Chapter 11 Petitions And First Day Motions (the "Isabella Affidavit") filed concurrently herewith, and respectfully represent as follows:

¹ The Debtors in these chapter 11 bankruptcy cases and the last four digits of their employment identification numbers are: CPKAP, LLC d/b/a Kapnos Taverna College Park (3742), BallCantina, LLC d/b/a Pepita (7545), BallNoodle, LLC d/b/a Yona (2510), 14WBella, LLC d/b/a Kapnos & G (3035), Masskap, LLC d/b/a Arroz (2590), Mosakap, LLC d/b/a Requin VA/Mosaic (6763), Tylsa, LLC d/b/a Isabella Eatery (4088), BallKap, LLC d/b/a Kapnos Taverna (1385), and Mike Isabella, Inc. (6314).

JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.

This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2).

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The relief sought in this Motion is based upon sections 105(a), 1107 and 1108 of 11 U.S.C. §§ 101, *et seq.* (the "Bankruptcy Code") and Rule 1015(b) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Local Rule 1015-1 of the United States Bankruptcy Court for the District of Maryland (the "Local Rules").

BACKGROUND

4. On the September 6, 2018 (the "Petition Date"), each of the Debtors filed a voluntary petition for relief under chapter 11 of United States Code, 11 U.S.C. §§ 101, *et seq.* (the "Bankruptcy Code"), commencing the above-captioned chapter 11 cases (collectively, the "Chapter 11 Cases," and each, a "Chapter 11 Case") in the United States Bankruptcy Court for the District of Maryland (the "Court").

5. The Debtors continue to operate their business and manage their property as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made and, as of the date of the filing of the Motion, no official committees have been appointed or designated.

6. No trustee, examiner or committee of creditors has been appointed in this case by the United States Trustee.

7. A detailed description of the Debtors' business and the facts precipitating the filing of the Debtors' chapter 11 cases is set forth in the Isabella Affidavit filed concurrently herewith and incorporated by reference.

RELIEF REQUESTED

8. By this Motion, the Debtors request entry of an order directing the joint administration of their Chapter 11 Cases for procedural purposes only. Specifically, the Debtors request that the Court maintain one file and one docket for all of the jointly-administered cases. The Debtors propose to designate the chapter 11 case of *CPKAP, LLC d/b/a Kapnos Taverna College Park* as the main bankruptcy case.

9. Accordingly, the Debtors request that the cases be administered under the following consolidated caption:

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)**

| | |
|--|--------------------------|
| In Re: | Case No.: 18-21808 (LSS) |
| <i>CPKAP, LLC d/b/a Kapnos Taverna College Park, et al.</i> , ¹ | (Jointly Administered) |
| Debtors. | Chapter: 11 |

10. The Debtors also request that a docket entry, in each of the above captioned cases, substantially similar to the following, be entered to reflect the joint administration of the Chapter 11 Cases:

An order has been entered in accordance with rule 1015(b) of the Federal Rules of Bankruptcy Procedure directing the procedural consolidation and joint administration of the chapter 11 cases of: CPKAP, LLC d/b/a Kapnos Taverna College Park (Case No. 18-21808); BallCantina, LLC d/b/a Pepita (Case No. 18-21823); BallNoodle, LLC d/b/a Yona (Case No. 18- 21824); 14WBella, LLC d/b/a Kapnos & G (Case No. 18-21825); Masskap, LLC d/b/a Arroz (Case No. 18- 21827); Mosakap, LLC d/b/a Requin VA/Mosaic (Case

¹ The Debtors in these chapter 11 bankruptcy cases and the last four digits of their employment identification numbers are: CPKAP, LLC d/b/a Kapnos Taverna College Park (3742), BallCantina, LLC d/b/a Pepita (7545), BallNoodle, LLC d/b/a Yona (2510), 14WBella, LLC d/b/a Kapnos & G (3035), Masskap, LLC d/b/a Arroz (2590), Mosakap, LLC d/b/a Requin VA/Mosaic (6763), Tylsa, LLC d/b/a Isabella Eatery (4088), BallKap, LLC d/b/a Kapnos Taverna (1385), and Mike Isabella, Inc. (6314).

No. 18- 21828); Tylsa, LLC d/b/a Isabella Eatery (Case No. 18-21830), BallKap, LLC d/b/a Kapnos Taverna (Case No. 18-21832) and Mike Isabella, Inc. (Case No. 18-21835). All further filings and docket entries shall be made in the chapter 11 case of In re CPKAP, LLC d/b/a Kapnos Taverna College Park, *et al.*, Case No. 18-21808.

BASIS FOR RELIEF

11. Rule 1015(b) of the Bankruptcy Rules provides that "[i]f a joint petition of two or more petitions are pending in the same court by or against . . . a debtor and an affiliate, the court may order a joint administration of the estates." Fed. R. Bankr. P. 1015. The Debtors in these cases are "affiliates" as that term is defined under section 101(2) of the Bankruptcy Code. *See* Isabella Affidavit. Accordingly, this Court is authorized to grant the relief requested herein.

12. Section 105(a) of the Bankruptcy Code also provides this Court with the power to grant the relief requested herein. Specifically, section 105(a) states that a bankruptcy court "may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code]." 11 U.S.C. § 105(a).

13. Joint administration orders in multiple related cases is common and promotes the fair and efficient administration of multiple cases of affiliated debtors while protecting the rights of individual creditors. See, e.g., *In re TVI Corporation*, Case No. 09-15677 (TJC) (Bankr. D. Md. April 7, 2009); *In re Luminent Mortgage Capital*, Case No. 08-21389 (DWK) (Bankr. D. Md. Sept. 8, 2008); *In re Caruso Homes, Inc., et al.*, Case No. 08-18254 (JFS) (Bankr. D. Md. June 26, 2008); *In re The Sports Zone, Inc., et al.*, Case No. 17-26758 (TJC) (Bankr. D. Md. Jan. 10, 2018).

14. Joint administration of the Debtors' cases will obviate the need for duplicative notices, motions, and orders, and thereby save considerable time and expense for the Debtors and their estates. The Debtors anticipate that numerous notices, motions, other pleadings, hearings, and orders in these Chapter 11 Cases will affect more than one of the Debtors. The failure to

jointly administer these cases would result in the filing and service of numerous duplicative pleadings, which would be extremely wasteful.

15. Joint administration will also permit the Clerk to use a single general docket for all of the Debtors' cases and to combine notices to creditors of each Debtor's estate and other parties-in-interest. Joint administration will also protect parties-in-interest by ensuring that parties-in-interest in each chapter 11 case will be apprised of the various matters before the Court in the other cases.

16. The rights of the respective creditors of the Debtors will not be adversely affected by the proposed joint administration of these cases. In fact, the rights of all creditors will be enhanced by the reduced costs that will result from the joint administration of these cases. The Court will also be relieved of the burden of entering duplicative orders and maintaining redundant files.

17. The Debtors also submit that supervision of the administrative aspects of these Chapter 11 Cases by the Office of the United States Trustee will be simplified if the cases are jointly administered as requested herein.

STATEMENT PURSUANT TO LOCAL BANKRUPTCY RULE 9013-2

18. Because the legal basis upon which the Debtors rely is incorporated herein and the Motion does not raise any novel issues of law, the Debtors respectfully request that the Court waive the requirement to file a separate memorandum of law pursuant to Local Rule 9013-2.

WAIVER OF BANKRUPTCY RULES 6004(a) AND 6004(h)

19. To the extent applicable, the Debtors seek a waiver of the notice requirements under Bankruptcy Rule 6004(a) and a waiver of any stay of the order proposed herein, including under Bankruptcy Rules 4001(a)(3) and 6004(h).

NO PRIOR REQUEST

20. No prior request for relief sought herein has been made to this Court or any other court.

NOTICE

21. By separate motion filed contemporaneously herewith, the Debtors have requested that the Court authorization to provide notice of the Motion by either (a) electronic mail; (b) overnight delivery; or (c) facsimile, upon: (i) the Office of the United States Trustee for the District of Maryland; (ii) the Debtors' secured creditors; (iv) the Internal Revenue Service; (iv) the United States Attorney General; (v) required government agencies; (vi) the Debtors' consolidated thirty largest unsecured creditors; and (vii) those parties who have filed a notice of appearance and request for service of pleadings in these cases pursuant to Fed. R. Bankr. P. 2002, as is set forth in the attached service list. The Debtors believe that such notice to such parties is reasonably calculated to inform creditors regarding the emergency relief that is being requested and is sufficient under the circumstances.

CONCLUSION

For the foregoing reasons, the Debtors respectfully request entry of the accompanying Order in the form annexed hereto, and for such other and further relief as is just and proper.

Dated: September 6, 2018

Respectfully submitted,

By: /s/ Richard J. Oparil
Richard J Oparil, Esq. (Bar No. 13063)
Warren J. Martin, Esq. (Pro Hac Vice Requested)
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-and-

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**YUMKAS, VIDMAR, SWEENEY &
MULRENIN, LLC**
10211 Wincopin Circle, Suite 500
Columbia, MD 21044
Telephone: (443)569-0788
chopkin@yvslaw.com

Proposed Counsel to the Debtors

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of September, 2018, copies of the foregoing Debtors' Emergency Motion for an Order Directing Joint Administration of their Related Chapter 11 Cases and proposed Order were sent either by (1) electronic mail, (2) overnight delivery, or (3) facsimile, to the parties identified on the attached service list.

/s/ Richard J. Oparil

Richard J. Oparil

Service list attached

SERVICE LIST

| Description | Name | Address 1 | Address2 | Address3 | City | State | Zipcode |
|------------------|--|---|-----------------------------|--------------------------------|----------------|-------|---------|
| CREDITOR TOP30 | Eskridge, (E&A) LLC | c/o Edens Limited Partnership | 1221 Main Street | Suite 1000 | Columbia | SC | 29201 |
| CREDITOR TOP30 | JRS Associates Inc. | 6393A Rockburn Hill Road | | | Elkridge | MD | 20878 |
| CREDITOR TOP30 | Julius Silvert, Inc. | 121 E. Luzerne Street | | | Philadelphia | PA | 19124 |
| CREDITOR TOP30 | American Express Card | 4315 S 2700 W | | | Salt Lake City | UT | 84184 |
| CREDITOR TOP30 | Adams-Burch Lender | 1901 Stanford Court | | | Hyattsville | MD | 20785 |
| CREDITOR TOP30 | Tyson Galleria LLC | 2001 International Drive | | | McLean | VA | 22102 |
| CREDITOR TOP30 | Baldor Specialty Foods, Inc. | 155 Food Center Drive | | | Bronx | NY | 10474 |
| CREDITOR TOP30 | Southern Management Corporation | Attn: Michelle Walker | 1950 Oldgs Gallows Road | Suite 600 | Vienna | VA | 22182 |
| CREDITOR TOP30 | Hospitality Construction Services Inc. | 840 Lake Varuna Mews | | | Gaithersburg | MD | 20878 |
| CREDITOR TOP30 | Capital Meat Co. | 2003 Beaver Road | | | Landover | MD | 20785 |
| CREDITOR TOP30 | Marriot Marquis Washington DC | 901 Massachusetts Ave. NW | | | Washington | DC | 20001 |
| CREDITOR TOP30 | Samuel & Son Seafood Co. | 3400 S Lawrence St. | | | Philadelphia | PA | 19148 |
| CREDITOR TOP30 | Congressional Seafood Co. Inc. | 7775 Chesapeake Bay Court | | | Jessup | MD | 20794 |
| CREDITOR TOP30 | Oracle America, Inc. | 500 Oracle Parkway | | | Redwood City | CA | 94065 |
| CREDITOR TOP30 | Kelly Health Insurance | 999 West Big Beaver Road | | | Troy | MI | 48084 |
| CREDITOR TOP30 | Waste Management | 24516 Network Place | | | Chicago | IL | 60673 |
| CREDITOR TOP30 | Alliance Technology Group LLC | 7010 Hi Tech Drive | | | Hanover | MD | 21076 |
| CREDITOR TOP30 | SHF 14W LLC | 1315 W St. NW | | | Washington | DC | 20009 |
| CREDITOR TOP30 | The General Design Company LLC | 406 H St. NE | 2nd Floor | | Washington | DC | 20002 |
| CREDITOR TOP30 | ALSCO | 4900 Philadelphia Way | | | Lanham | MD | 20706 |
| CREDITOR TOP30 | The View at Liberty Center | c/o Buzzoto Management Company | Attn: Leasing Office | 4000 Wilson Boulevard | Arlington | VA | 22203 |
| CREDITOR TOP30 | Jackson Lewis, P.C. | 10701 Parkridge Blvd. | Suite 300 | | Reston | VA | 20191 |
| CREDITOR TOP30 | LDV Imports | 130 West 25th Street | Floor 7 | | New York | NY | 10001 |
| CREDITOR TOP30 | Potomac Exhaust, Inc. | 1775 West Mt. Harmony Roas | | | Owings | MD | 20736 |
| CREDITOR TOP30 | DC Party Rental | 2625 Southg Shirlington Rd | | | Arlington | VA | 22206 |
| CREDITOR TOP30 | Olympus Food Distributors, Inc. | 621 South Pickett Street | | | Alexandria | VA | 22304 |
| CREDITOR TOP30 | Dominion Virginia Power | 1 River Road | | | Richmond | VA | 23226 |
| CREDITOR TOP30 | C&JM Services Inc. | 21 S. Summit Avenue | | | Gaithersburg | MD | 20878 |
| CREDITOR TOP30 | Keany Produce Co. | 3310 75th Avenue | | | Hyattsville | MD | 20785 |
| CREDITOR TOP30 | Restaurant Technologies, Inc. | 12962 Collections Center Drive | | | Chicago | IL | 60693 |
| FEDERAL/GOV | Maryland Dept. of Assessments & Taxation | State Office Building | 301 W. Preston Street | | Baltimore | MD | 21201 |
| FEDERAL/GOV | Maryland Attorney General | 200 St. Paul Place | | | Baltimore | MD | 21202 |
| FEDERAL/GOV | U.S. Attorney for the District of Maryland | 36 S. Charles Street | 4th Floor | | Baltimore | MD | 21201 |
| FEDERAL/GOV | Internal Revenue Service | 2970 Market Street | Mail Stop 5-Q30.133 | | Philadelphia | PA | 19104 |
| FEDERAL/GOV | U.S. Secretary of the Treasury | 1500 Pennsylvania Avenue NW | | | Washington | DC | 20220 |
| FEDERAL/GOV | The United States Attorney General | United States Dept. Of Justice | 950 Pennsylvania Avenue, NW | | Washington | DC | 20530 |
| FEDERAL/GOV | U.S. Attorney for the Eastern District of Virginia | Justin W. Williams United States Attorney's Bldg. | 2100 Jamieson Ave | | Alexandria | VA | 22314 |
| FEDERAL/GOV | U.S. Attorney for the Western District of Virginia | 310 1st Street, SW | Room 906 | | Roanoke | VA | 24011 |
| FEDERAL/GOV | Virginia Department of Taxation | 1957 Westmoreland Street | | | Richmond | VA | 23230 |
| FEDERAL/GOV | Office of the Attorney General | Tax, Bankruptcy and Finance | One Judiciary Square | 441 4th Street, NW, 6th Floor | Washington | DC | 20001 |
| FEDERAL/GOV | DC Office of Tax and Revenue | Compliance Administration | Collection Division | 1101 4th Street, SW, 6th Floor | Washington | DC | 20024 |
| FEDERAL/GOV | Secretary of the Treasury | 15th and Pennsylvania Ave, NW | | | Washington | DC | 20020 |
| SECURED CREDITOR | EagleBank | 130 Rollins Avenue | | | Rockville | MD | 20852 |
| SECURED CREDITOR | On Deck Capital Inc. | Attn: Director of Operations | 901 N Stuart Street | Suite 700 | Arlington | VA | 22203 |
| SECURED CREDITOR | M&T Bank | One M&T Plaza | | | Buffalo | NY | 14203 |
| SECURED CREDITOR | American Express Merchant Financing | c/o Datamark Inc. | Attn: Merchan Fin | 43 Butterfield Circle | El Paso | TX | 79906 |
| US TRUSTEE | Office of the United States Trustee | 6305 Ivy Lane | Suite 600 | | Greenbelt | MD | 20770 |